

118TH CONGRESS
1ST SESSION

S. 849

To authorize the Secretary of the Interior to establish higher minimum rates of pay for certain law enforcement employees of the Bureau of Indian Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. TESTER (for himself and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To authorize the Secretary of the Interior to establish higher minimum rates of pay for certain law enforcement employees of the Bureau of Indian Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SPECIAL PAY AUTHORITY FOR BUREAU OF IN-**
4 **DIAN AFFAIRS PUBLIC SAFETY AND JUSTICE**
5 **POSITIONS.**

6 (a) DEFINITIONS.—In this section:

7 (1) LAW ENFORCEMENT OFFICER.—The term
8 “law enforcement officer” means—

1 (A) a law enforcement officer (as defined
2 in section 5541 of title 5, United States Code);
3 or

4 (B) a law enforcement officer (as defined
5 in section 550.103 of title 5, Code of Federal
6 Regulations (or successor regulations)).

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (b) AUTHORITY TO SET SPECIAL RATES OF PAY.—
10 Notwithstanding part III of title 5, United States Code,
11 if the Secretary finds that recruitment or retention efforts
12 with respect to the position of law enforcement officer of
13 the Bureau of Indian Affairs in 1 or more areas or loca-
14 tions are, or are likely to become, significantly handi-
15 capped due to any of the circumstances described in sub-
16 section (c), the Secretary may establish higher minimum
17 rates of pay for that position.

18 (c) CIRCUMSTANCES DESCRIBED.—A circumstance
19 referred to in subsection (b) is any of the following:

20 (1) The rates of pay offered by non-Federal em-
21 ployers being significantly higher than the rates of
22 pay payable by the Federal Government—

23 (A) within the area or location involved; or

24 (B) for positions in law enforcement.

1 (2) The remoteness of the area or location in-
2 volved.

3 (3) The undesirability of the working conditions
4 or the nature of the work involved, including expo-
5 sure to toxic substances or other occupational haz-
6 ards.

7 (4) Any other circumstance that the Secretary
8 considers appropriate.

9 (d) MAXIMUM SPECIAL RATE OF PAY.—

10 (1) IN GENERAL.—A minimum rate of pay es-
11 tablished for the position of law enforcement officer
12 under subsection (b) may not exceed the maximum
13 rate of basic pay (excluding any locality-based com-
14 parability payment under section 5304 of title 5,
15 United States Code, or similar provision of law) for
16 that position without the authority of subsection (b)
17 by more than 30 percent.

18 (2) ADDITIONAL LIMITATION.—No rate of pay
19 may be established under subsection (b) in excess of
20 the rate of basic pay payable for level IV of the Ex-
21 ecutive Schedule under section 5315 of title 5,
22 United States Code.

23 (e) NOTIFICATION OF REMOVAL FROM SPECIAL
24 RATE OF PAY.—If the Secretary removes the position of
25 law enforcement officer from coverage under a rate of pay

1 established under subsection (b) after that rate of pay
2 takes effect—

3 (1) the Secretary shall provide notice of the loss
4 of coverage of the rate of pay to each individual in
5 that position; and

6 (2) the loss of coverage shall take effect on the
7 first day of the first pay period after the date of the
8 notice.

9 (f) REVISION OF SPECIAL RATES OF PAY.—

10 (1) IN GENERAL.—Subject to the limitations
11 described in this section, rates of pay established
12 under subsection (b) may be revised from time to
13 time by the Secretary.

14 (2) EFFECT.—Any revision by the Secretary
15 under paragraph (1) shall have the force and effect
16 of law.

17 (g) REGULATIONS.—The Secretary shall promulgate,
18 and revise annually, regulations to carry out this section,
19 which shall, to the maximum extent practicable, be com-
20 parable to the regulations promulgated to carry out sec-
21 tion 5305 of title 5, United States Code.

○